

A REVISED ORDER REGULATING THE LAYING, CONSTRUCTION, MAINTENANCE
AND REPAIR OF CABLES, CONDUITS, AND POLE LINES IN
UNDER, ACROSS OR ALONG ROADS, STREETS, HIGHWAYS AND DRAINAGE DITCHES
IN FORT BEND COUNTY, TEXAS, UNDER THE JURISDICTION OF THE COMMISSIONERS COURT
OF FORT BEND COUNTY, TEXAS

ADOPTED JANUARY 14, 1980
AMENDED DECEMBER 1, 1980
AMENDED MAY 17, 1982
AMENDED AUGUST 3, 1987

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THE ESTATE OF TEXAS |

COUNTY OF FORT BEND |

On this the 3rd day of August, 19 87 upon motion of
commissioners Lutts, seconded by Commissioner
Pressley, duly put and carried.

IT IS ORDERED that all cables, conduits and pole lines, in, under, across or along all County roads, streets, highways and/or drainage ditches in Fort Bend County Texas owned and/or operated by any person, firm, limited partnership, joint stock association or corporation claiming the right to make use of certain lands for the laying, construction, maintenance and/or repair of cables, conduits and/or pole lines shall henceforth be laid and/or constructed and/or maintained and/or repaired under the following regulations and provisions.

I

That said cable, conduit or pole line shall not be laid, constructed, maintained and/or repaired in, under, across or along such County roads, streets, highways and/or drainage ditches in any manner which involves disturbing the soil prior to:

- (1) furnishing to the County Engineer of Fort Bend County, Texas, upon the application form herein adopted by the Commissioners Court, an example of which is attached hereto, which when completed shall show the following information:
 - (a) The name of the County road, street, highway and/or drainage ditch which will be affected by such cable, conduit and/or pole line laying, construction, maintenance and/or repair.
 - (b) Map or plat reflecting the course and direction of such cable, conduit and/or pole line, through Fort Bend County, Texas as it affects the County roads, streets, highways and/or drainage ditches of Fort Bend County.
 - (c) Detailed plans and specifications for the construction, maintenance and/or repair of such cable, conduit and/or pole line, in, under, across or along any County road or ditch right of way, such plans and specification are to reflect the depth at which such facilities will be constructed, maintained and/or repaired in, under, across or along such County road or ditch right of way.
 - (d) An affidavit executed by the person, or by a partner or officer of the firm, limited partnership, joint stock association or corporation claiming the right to lay its cables, conduits and/or pole lines in, under, across or along County roads, streets, highways and/or drainage ditches, stating the statute or statutes by article number as they appear in Vernon's Texas Civil Statutes, under which he or it has the right to lay its cables, conduit and/or pole lines in, under, across or along County roads, streets, highways and/or drainage ditches. Only one such affidavit is necessary and it shall be filed in the

office of the County Clerk of Fort Bend County and Ex Official
Clerk of the Commissioners Court of Fort Bend County.

(2) A separate application must be filed for each work site.

II

Property hereby affected shall not be entered upon for the purpose of laying, construction, maintenance and/or repair of any cable, conduit or pole line which involves the disturbance of the soil, until detailed plans describing such laying, construction, maintenance and/or repair have been submitted and reviewed by the County Engineer and Commissioners Court on the said prescribed form.

III

No cable, conduit and/or pole line shall be laid, constructed, maintained and/or repaired in such a manner as to interfere with the construction and/or repair of the County road, roadbed, ditches or right of way in, under, across or along which such cable, conduit and/or pole lines is laid, constructed and/or maintained and in the event it shall develop that any such cable, conduit or pole line interferes in any manner with the construction, maintenance and/or repair of any County road or ditch; in, under, across or along which it is laid, constructed and/or maintained because of the depth or location at which such cable, conduit and/or pole line has been laid, constructed or maintained because of the widening, improving, maintaining and/or repairing of such County road, roadbed, or ditches, for reasons of public safety and welfare, upon request of the County Engineer such cable, conduit and/or pole line shall be changed or altered promptly within the existing right of way by the owner and/or operator of such cable, conduit and/or pole line shall, if demand therefore is made by the Commissioners Court of Fort Bend County, bear all the cost and expense of such change or alteration.

IV

No cable, conduit and/or pole line shall be laid, constructed, maintained and/or repair in such a manner as to interfere with use of, or obstruct, any County road for the purpose of vehicular and pedestrian traffic, or so as to interfere with or obstruct any drainage on or along such road and no such cable, conduit and/or pole line shall be laid, constructed, maintained and/or repaired in such a manner as to constitute a danger or hazard of any kind to persons or vehicles using such road, or shall any cable, conduit and/or pole line be laid, constructed, maintained and/or repaired so as to constitute a danger or hazard to the public property within the boundaries of the right of way of said County road, or to the maintenance thereof by County employees. Owner and/or operator of such cable, conduit and/or pole line must provide flagmen, signs, signals or devices necessary to provide complete safety to the public.

V

Any damage whatsoever to any County road, roadbed, ditches or other structures on or in the County road or ditch right of way caused by reason of the laying, construction, maintenance and/or repair of any cable, conduit and/or pole line, in, under, across or along any such County road or ditch right of way shall be repaired immediately and restored to the condition that such County road, roadbed, ditches or other structures on or in such right of way was in before the damage took place, such repairing and restoration to be at the sole cost and expense of the owner or operator of such cable, conduit and/or pole line.

VI

All underground cables and/or conduits that cross improved County roads shall be either jacked, tunneled, bored or driven under the road for full width

of the road. County roads, as herein used, are defined as that portion of the road and shoulder lying between the front slope of each curb and include all roads within Fort Bend County except State and Federal roads. All conduits shall be encased for full width of the County road right of way. In the event that the County road right of way is widened at this location the existing conduit laid under the provisions of the application shall be encased for the total additional right of way width at the sole cost and expense of the owner or operator of such conduit. A separate application must be filed for this additional casing work.

All underground cables and/or conduits that cross County roads shall be installed at the greater of two following depths: At least four (4) feet below the crown of the road or two (2) feet below the bottom of the ditches on each side of such County road: such distances to be measured from the top of such cable or conduit to the bottom of the road ditches or the crown of the road as the case may be; if, however, in particular instances where it is determined by the County Engineer that a greater depth for a particular cable or conduit should be required due to the location or size of same, or for reason of public safety or necessity, such cable or conduit shall be laid at such greater depth as may be required by the County Engineer.

On curb and gutter sections, all underground cables and/or conduits that cross County roads shall be installed at a minimum of two (2) feet below the bottom of the slab at the gutter; such distance to be measured from the top of such cable or conduit to the bottom of the slab at the gutter, however, in particular instances where it is determined by the County Engineer that a greater depth is required, such conduit shall be installed at the depth required by the County Engineer.

VII

All underground cables and/or conduits laid, constructed, maintained and/or repaired parallel to and within the right of way of any County road shall be laid, constructed, maintained and repaired at a distance of not less than four (4) feet from the edge of the portion of road considered as normal traveling surface, to the nearest side of such cable or conduit; and when possible all underground cables and/or conduits shall be laid, constructed, maintained and repaired in the area considered as the front slope of the ditch. These underground installations shall be at such depth so as to provide a minimum of two (2) feet of cover above the top of the buried structure.

On curb and gutter sections, all facilities paralleling the road shall be behind the curb and gutter.

VIII

In all cases where dirt is piled along side of a trench cut for laying, construction, maintenance and/or repair of cables, conduits and/or pole lines parallel with a County road, weep holes shall be dug through such piles of dirt in order that water may drain from the roadbed and shoulders to the road ditches. Such weep holes shall be dug through such piles of dirt at intervals not exceeding two hundred (200) feet along such parallel construction and at all swags or low places in the roadbed of such County road. Such weep holes shall be dug to a depth of six (6) inches below the shoulder of such County road and shall be dug for a width of twelve (12) inches and such weep holes shall be dug through the piles of dirt, or to such an elevation that the bottom of the weep holes will discharge its water into road ditch. Such weep holes must be maintained free of obstructions until construction is completed and trench backfilled, tamped and leveled true to the original grade. If weep holes have not been properly constructed or maintained, operations shall cease until some are corrected.

IX

When installation of any cable or conduit within County right of way requires the digging of pits or trenching to such depth that the repose angle created with respect to the edge of the traveling surface of the road exceeds 33 deg. 41 min. 24 sec. (1-1/2: 1 slope), the owner and/or operator shall at his own expense furnish the County Engineer with soil testing laboratory reports indicating if sheeting is required to safely preserve the road. If reports indicate sheeting is required at various areas or for the entire length of trench, it shall be installed by owner and/or operator at no expense to Fort Bend County.

Spacing for soil tests shall be at one thousand (1000) feet intervals unless soil indicates tests should be made at shorter intervals or as directed by the County Engineer.

X

At least forty-eight (48) hours before commencing: laying, construction, maintenance and/or repair of any cable, conduit and/or pole line, in, under, across or along any County road or ditch which involves disturbance of the soil written notice of the time such laying, construction, maintenance and/or repair shall commence, shall be given to the County Engineer of Fort Bend County and to the appropriate Commissioner in order that he might supervise and inspect such laying, construction, maintenance and/or repair; however, in cases of emergency requiring immediate maintenance or repair of any cable conduit and/or pole line, such notice may be given to the County Engineer orally prior to any such emergency maintenance and/or repair.

XI

Excavated spaces shall be backfilled within forty-eight hours of completion of work. All excess excavation material shall be removed from the work site at the end of each day. Open trench area shall be confined to no more than can be backfilled and compacted in ten (10) inch lifts at the end of each work day. No trench shall be left open overnight. Backfill material shall be free from large or frozen lumps, wood or other extraneous material. The backfill shall be placed in uniform layers not to exceed ten (10) inches depth (loose measurement) and each layer thoroughly compacted to the comparable density of the surrounding area and to the satisfaction of the County Engineer.

XII

Any pole parallel to the road shall be constructed with the poles set no further than one (1) foot from the right of way line. Any deviation must have the written approval of the County Engineer.

XIII

All overhead road crossings shall be constructed and maintained in accordance with applicable provisions for the National Electrical Safety Code (NESC).

XIV

Maintenance and/or repair (other than emergency) on existing or hereafter existing cables, conduits and/or pole lines that lie within County right of way and which requires disturbance of the soil, shall not be performed until plans describing such maintenance and/or repair have been approved by the County Engineer.

XV

All existing and thereafter existing underground road crossings shall be clearly and permanently marked on each side of the right of way, with warning signs indication owner and type of installations, where practicable.

XVI

Any person, firm, limited partnership, joint stock association or

corporation claiming the right to make use of certain Fort Bend County lands and/or road or ditch right of ways for the laying, construction, maintenance and/or repair of cables, conduits and/or pole lines as used herein, any officer, agent, employee or contractor of any such person, firm, limited partnership, joint stock association or corporation, or any officer agent or employee of any such contractor, violating any one or more of the above regulation and provisions set forth herein shall be deemed to be in contempt of this Court and shall be called to show cause before this Court why he or it should not be held in and punished for contempt for his or its conduct in violation of this order and regulations of this Court.

Upon receipt of a legitimate complaint that any one or more of the above regulations and provisions has been violated the County Engineer must inspect the site of the alleged violation.

XVII

If any provision, section, subsection, sentence, clause or phrase of this order or the application of same to any person, firm, limited partnership, joint stock association, or corporation, or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this order or their application to other person, firms, limited partnership, joint stock associations to other persons, firms, limited partnerships, joint stock associations, or corporations, or set of circumstances shall not be affected thereby, it being the intent of the Commissioners Court of Fort Bend County, Texas, in ordering these regulations and provisions that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation and to this end, all provisions of this order are declared to be separable.

XVIII

Operation of construction and/or maintenance equipment on the traveled surface of any improved County road will not be permitted, except in an instance whereby the laying, construction, maintenance and/or repair of cables, conduits and/or pole lines cannot be accomplished by any other method and in this event all such equipment shall be of the rubber tire variety.

XIX

Evidence of review by the Commissioners Court should be kept on the jobsite at all times and failure to do so constitutes grounds for job shutdown.

XX

A bond payable to Fort Bend County, as provided in subparagraphs (1) or (2), shall accompany "Notice of Proposed Cable, Conduit and/or Pole Line Activity within Fort Bend County Road or Ditch Right of Way" unless one perpetual bond is executed as provided for in subparagraph (3).

- (1) A bond with two good and sufficient personal sureties, a corporate surety bond or a personal bond, if acceptable to the Commissioners Court of Fort Bend County, Texas, acting in its sole discretion upon proof being Furnished to the satisfaction of said Court as to the financial responsibility of the owner or operator desiring to make such crossing and/or crossings, for each crossing of such cable conduit and/or pole line across a County road or ditch right of way or for each one mile or part of one mile, such cable, conduit and/or pole line runs parallel with and within the boundaries of such County road or ditch right of way.
- (2) In the event the laying, construction, maintenance and/or repair of one continuous cable, conduit and/or pole line is to be made in, under, across, or along several County roads or ditch rights of way,

one such bond covering all laying, construction, maintenance and/or repair of such cable, conduit and/or pole line in, under, across. Or along the several County road or ditch rights of way affected by such continuous cable, conduit and/or pole line laying, construction, maintenance, and/or repairs will be acceptable.

- (3) One perpetual bond, executed solely by such authorized owner or operator, if acceptable to the Commissioners Court of Fort Bend County, Texas, acting in its sole discretion upon proof being furnished to the satisfaction of said Court as to the financial responsibility of such authorized owner or operator; such perpetual bond to cover all cables, conduits and/or pole lines thereafter laid constructed, maintained and/or repaired by such authorized owner or operator in, under, across or along any County road or ditch in Fort Bend County, Texas, under the jurisdiction of the Commissioners Court of Fort Bend County, Texas.

The amount and terms of each of the above bonds to be determined by the Commissioners Court of Fort Bend County, Texas, or the County Engineer of Fort Bend County, Texas, and each of the bonds to be conditioned that the cables, conduits and/or pole lines covered thereby be laid, constructed, maintained and repaired so as to comply with construction, maintenance and repair of such cable, conduits and/or pole lines, in, under, across, and/or along such County road or ditch right of way.

XXI

Exemptions from having an individual permit: will be previously issued permits and construction previously included in plans that have been reviewed and approved by the County Engineer's Office. Any repairs to existing facilities will not require a permit unless major alterations are made to either the original plans on file in the County Engineer's Office or an existing permit, however in every instance notification is to be made in adequate time to the County Engineer's Office.